

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

WAYNE B. LYNCH,
Administrator of the Estate of
DONOVON W. LYNCH, Deceased,

Plaintiff,

V.

SOLOMON D. SIMMONS, III, *et al.*,

Defendants.

Case No.: 2:21-cv-00341

Judge: Arenda L. Wright Allen

JOINT MOTION TO ENFORCE SETTLEMENT AGREEMENT

The attorneys for the parties respectfully jointly move this Court to convene an in-person hearing to (1) enforce the Settlement agreed upon by the parties and their counsel, as memorialized in a Memorandum of Understanding signed by all parties and their counsel, and further memorialized by a Settlement Agreement agreed upon by the attorneys for the parties and to (2) approve Plaintiff's proposed distribution of funds to be filed by December 27, 2022.

On or about December 8, 2022, all parties executed a Memorandum of Understanding (“MOU”). Ex. 1. Per the MOU signed by all parties, and by Order of this court, the parties drafted and negotiated a Settlement Agreement, Ex. 2, which 1) further memorializes the fundamental elements of the MOU, and 2) is agreeable to counsel of record for the Plaintiff, Defendant Simmons, and the City of Virginia Beach.

This Court set a deadline of today, December 23, 2022, for the parties to file the Settlement Agreement, however, interested nonparty, Jeffrey Reichert, has apparently advised

Plaintiff Wayne B. Lynch not to sign the Agreement, which is against the interests of the Estate and contrary to Plaintiff's prior agreement as memorialized in the MOU. Upon current information and belief, Mr. Reichert is preventing the parties and their counsel of record from completing the settlement of this case as previously agreed upon by the parties and their counsel of record.

WHEREFORE, counsel of record for all parties in this case hereby respectfully ask this Court to schedule an in-person hearing at the Court's earliest convenience to (A) consider and enter an order enforcing settlement of this case in accordance with the terms of the MOU and the Settlement Agreement and (B) consider and enter an order approving Plaintiff's proposed distribution of funds, which will be filed with the Court by December 27, 2022.

December 23, 2022

Martin Law PLLC

By:

/s/ Thomas B. Martin

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(Admitted Pro Hac Vice)

Dated: December 23, 2022

Respectfully submitted,

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By: 

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Counsel for Plaintiff

Dated: December 23, 2022

Willcox & Savage, PC

City of Virginia Beach

By: /s/ Gary Bryant

By: /s/ Christopher Boynton

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Counsel for City of Virginia Beach

Dated: December 23, 2022

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Certificate of Service

I hereby certify that on the 23rd day of December 2022, the foregoing Joint Motion To Enforce Settlement was electronically filed with the Court, which will automatically serve a copy of said filing via email to counsels of record for Defendant, Solomon D. Simmons and the City of Virginia Beach.

By: 
Justin E. Fairfax
Counsel for Plaintiff

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[PROPOSED] ORDER

Upon consideration of this Motion to Enforce Settlement Agreement and the entire record herein, it is this __ day of December 2022,

ORDERED that an in-person hearing is scheduled for _____ [date and time]

and is hereby **GRANTED**; and it is

SO ORDERED.

Judge Arenda L. Wright Allen

Copies to:
tmartin@martinlawdc.com
fairfax.justin@gmail.com
cboynton@vbgov.com
gbryant@wilsav.com